

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CARL WELLS,

Plaintiff,

v.

LOTTERY.COM, INC. *d/b/a* SPORTS.COM,
INC.,

Defendant.

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1:23-cv-1081-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendant Lottery.com’s (“Defendant”) Motion to Dismiss, (Dkt. 36). (R. & R., Dkt. 48). Plaintiff Carl Wells (“Plaintiff”) timely filed objections to the report and recommendation. (Objs., Dkt. 49).

As an initial matter, the Court **ORDERS** that Plaintiff’s motion for leave to file a reply in support of his Objections, in light of the lack of opposition and for good cause shown, (Dkt. 52), is **GRANTED**.

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff’s objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 48), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's motion to dismiss, (Dkt. 36), is **GRANTED in part**. Plaintiff's FLSA claim is **DISMISSED with prejudice** and his remaining claims are **DISMISSED without prejudice**.

The Court will enter final judgment by separate order.

SIGNED on January 24, 2025.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE